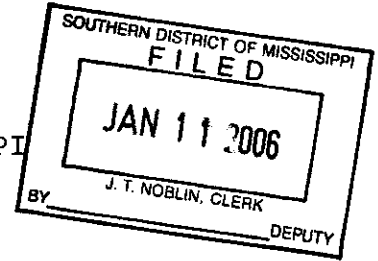


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION



GAYLE JACKSON EVANS, SR.  
GAYLE JACKSON EVANS, JR.

PLAINTIFFS

VS.

CIVIL ACTION NO. 3:04CV18LN

RONALD WHITTINGTON AND  
JAMES KITCHENS

DEFENDANTS

ORDER

This cause is before the court on the motion of defendant James Kitchens to dismiss, or in the alternative, for summary judgment. Plaintiffs have filed no response to the motion. This court considered a similar motion to dismiss by Kitchens' co-defendant, Ronald Whittington, and for the same reasons this court granted Whittington's motion, Kitchens' motion is also due to be granted.

Accordingly, it is ordered that Kitchens' motion to dismiss is granted.

A separate judgment will be entered in accordance with Rule 58 of the Federal Rules of Civil Procedure.

SO ORDERED this 11<sup>th</sup> day of January, 2006.

  
UNITED STATES DISTRICT JUDGE